

REMARKS

With regard to the requirement for restriction which is one of the only points raised in the Official Action, Applicant hereby provisionally elects to prosecute Group I. covering original claims 1-10 and 15-26, and reserves the right to file a divisional application or to take such other appropriate measures as deemed necessary to protect the invention of Groups II.

Applicant has canceled original claims 1-10 and 15-26 in favor of new claims 37-74, which are intended to present claims in proper form and language and to better encompass the full scope and breadth of the invention notwithstanding applicant's belief that the claims would have been allowable as originally filed. Accordingly, applicant asserts that no claims have been narrowed within the meaning of the *Festo*-decision. *Festo Corp. v. Shoketsu Kinsoku Kogyo Kabushiki Co.*, 56 USPQ2d 1865 (Fed. Cir. Nov. 29, 2000)(en banc).

The Commissioner is hereby authorized to charge the surcharge of \$18.00 for two additional claims in excess of twenty to Deposit Account No. 06-0502.

With regard to the requirement for election, required by the Examiner as a consequence of the election of the invention of Group I, Applicant hereby provisionally elects as the following species for the respective subgroups

Subgroup 1: (support) polystyrene [0035]

Subgroup 2: (monomer) (Fmoc protected) amino acid [0200]

Subgroup 3 (substances) (Fmoc protected) amino acid [0200]

Subgroup 4 (matrix) diphenyl formamide (claim 50) [0200]

- Subgroup 5 (first solvent) diphenyl formamide (claim 50) [0200]
- Subgroup 6 (transport unit) solid particles (claim 37, claim 50) [0200]
- Subgroup 7 (second solvent) dimethyl formamide (claim 74) [0075]
- Subgroup 8 (temperature) 22 C (claim 37); printing of particles; (claim 37); 80 C (printing of toner particles for coupling reaction to ensue; claim 37)
- Subgroup 9 (printing method) laser printer (claim 45)
- Subgroup 10 (light source) light emitting diodes (claim 47)
- Subgroup 11 (element) preliminary stages of D or L amino acids (claim 50)
- Subgroup 12 (protecting group) Fmoc (claim 52) [0200]
- Subgroup 13 (application) applied in solid state of aggregation [0202] (claim 37)
- Subgroup 14 (particle size) 10 μ m (claim 41).

Applicant's election is traversed in so far as the Examiner has stated that the species present patentable subject matter without specifying which species are considered patentably distinguishable. As noted by the Examiner, upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species, provided that all claims to all additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141.

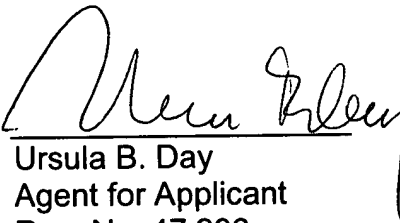
It is noted that each named inventor of the subject matter of the instant application contributed at least to one of the claims, presently on file.

With regard to claims 11-14 and 27-36 constituting Group II, applicant does not waive any of his rights therefor or abandon such subject matter.

Since applicant has fully and completely responded to the Official Action and has made the required election, this application is now in order for early action at least on the merits of claims.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No.06-0502.

Respectfully submitted,

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